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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,008	06/14/2001	Rajesh Kanungo	SUNMP009	9757
25920	7590	09/09/2004	EXAMINER	
MARTINE & PENILLA, LLP 710 LAKEWAY DRIVE SUITE 170 SUNNYVALE, CA 94085			ARSHAD, UMAR	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/883,008	KANUNGO ET AL.	
	Examiner	Art Unit	
	Umar Arshad	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

This communication is responsive to the amendment filed 5/27/2004. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

Claims 1, 3 – 5, 12, 15, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Alexander, U.S. Patent No. 5,896,131.

As per claim 1, Alexander teaches a method for creating a dialog box visually differentiable from a displayed background, the method comprising:

receiving a command to create the dialog box, the command including a selected background color of the dialog box configured to have a value (see Alexander, column 4, lines 64 – 67);

drawing a dialog box boundary using a reserved color associated with a reserved color value, the reserved color being a color reserved by an operating system of a

platform to be used by the operating system only (see Alexander, column 4, lines 4 – 7, lines 37 – 40 and lines 45 – 48; the examiner interprets a light gray color as a reserved color for the operating system); and

drawing a dialog box background using the value of the selected background color (see Alexander, column 4, lines 37 – 40),

wherein using the reserved color to draw the dialog box boundary is configured to visually differentiate the dialog box from the displayed background (see Alexander, figures 3A and 3B, item 302, column 2, lines 29 – 37 and column 4, lines 37 - 47; it is inherent that the checkerboard pattern differentiates the dialog box from the displayed background).

As per claim 3, which is dependent on claim 1, Alexander teaches the method of claim 1 (see rejection above). Alexander further teaches a method for creating a dialog box visually differentiable from a displayed background as recited in claim 1, wherein the dialog box is displayed using a graphic image (see Alexander, figure 2, item 204).

As per claim 4, which is dependent on claim 1, Alexander teaches the method of claim 1 (see rejection above). Alexander further teaches a method for creating a dialog box visually differentiable from a displayed background as recited in claim 1, wherein the dialog box boundary is configured to include one of a slider, a border, text, a button, and a scroll bar (see Alexander, figure 3A and column 4, lines 37 – 40; it is inherent that the controls consist of buttons and text).

As per claim 5, which is dependent on claim 1, Alexander teaches the method of claim 1 (see rejection above). Alexander further teaches a method for creating a dialog box visually differentiable from a displayed background as recited in claim 4, wherein the dialog box boundary is a border (see Alexander, figure 2, lines 35 – 37).

As per claim 15, Alexander teaches a method for generating dialog box graphical user interfaces (GUIs) that are presented over an underlying background image, comprising:

receiving a command to generate a dialog box (see Alexander, column 4, lines 64 – 67);

if a boundary element of the dialog box is to be generated, the method includes, implementing a reserved color for the generation, the reserved color not being available for use in generating graphical context of background color of the dialog box (see Alexander, column 4, lines 4 – 7, lines 37 – 40 and lines 45 – 48; the examiner interprets the light gray color as a reserved color).

As per claim 17, which is dependent on claim 15, it is of similar scope to claim 4 and is rejected under the same rationale as claim 4 (see rejection above).

As per claim 18, which is dependent on claim 17, it is of similar scope to claim 5 and is rejected under the same rationale as claim 5 (see rejection above).

***Claim Rejections - 35 USC § 103***

Claims 2, 6 – 14, 16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander, U.S. Patent No. 5,896,131.

As per claim 2, which is dependent on claim 1, Alexander teaches the method of claim 1 (see rejection above). Alexander further teaches a method for creating a dialog box visually differentiable from a displayed background as recited in claim 1, wherein drawing a dialog box background using the selected background color value includes:

determining whether the value for the selected background color is equivalent to one of the reserved color value and another color value (see Alexander, column 4, lines 4 – 7), the determining including,

mapping the value of the selected background color to a previously assigned color value when the selected background color value is equivalent to the reserved color value (see Alexander, column 4, lines 59 - 64; the examiner interprets the dark gray color as a reserved color value); and

mapping the value of the selected background color to a corresponding color value when the selected background color value is equivalent to the color value (see Alexander, column 4, lines 37 – 50; it is taught that the light gray color is not replaced,

therefore it is inherent that it is mapped to the corresponding color).

Alexander does not teach determining whether the value for the selected background color is equivalent to one of the reserved color value and a cross-platform compatible color value, mapping the value of the selected background color to a previously assigned cross-platform compatible color value, and mapping the value of the selected background color to a corresponding cross-platform compatible color value when the selected background color value is equivalent to the cross-platform compatible color value. However, using cross-platform compatible colors is notoriously well known in the art. For example, the applicant discloses the use of cross-platform compatible colors in the application background. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement cross-platform compatible colors with the method of Alexander in order to gain consistency across different platforms.

As per claim 6, Alexander does not teach a method for creating a dialog box visually differentiable from a displayed background as recited in claim 5, wherein the border is beveled. However, a beveled border is notoriously well known in the art. For example, Nichols et al., U.S. Patent Application Publication US 2002/017596 A1 teaches using a beveled border (see Nichols, paragraph 23, sentence 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a beveled border with the method of Alexander in order to create a three-dimensional appearance.

As per claim 7, which is dependent on claim 1, Alexander teaches the method of claim 1 (see rejection above). Alexander does not teach a method for creating a dialog box visually differentiable a displayed background on a display system as recited in claim 1, wherein the dialog box is a Java based dialog box. However, using Java based dialog boxes are notoriously well known in the art. For example, the applicant discloses the use of Java for interface development in the application background. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a Java based dialog box with the method of Alexander in order to incorporate Java's broad user base and platform independent features.

As per claim 8, Alexander teaches a method for selecting colors to draw a dialog box having a visually differentiable boundary, the method comprising:

determining whether one of a dialog box boundary, a dialog box background, and a dialog box component is being drawn, the determining including,

selecting a reserved color when drawing the dialog box boundary by bypassing a mapping of the reserved color to a previously assigned color (see Alexander, column 2, lines 40 – 55);

selecting a color when drawing the dialog box background; and selecting a color when drawing the component contained within the dialog box (see Alexander, column 2, lines 32 – 47),

wherein the bypassing the mapping of the reserved color to a previously



assigned color is configured to draw a dialog box having a differentiable boundary (see Alexander, figure 3A, item 300; it is inherent that the dialog box has a differentiable boundary).

Alexander does not teach mapping of the reserved color to a previously assigned cross-platform compatible color, selecting a cross-platform compatible color when drawing the dialog box background; and selecting a cross-platform compatible color when drawing the component contained within the dialog box. However, using cross-platform compatible colors is notoriously well known in the art. For example, the applicant discloses the use of cross-platform compatible colors in the application background. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement cross-platform compatible colors with the method of Alexander in order to gain consistency across different platforms.

As per claim 9, which is dependent on claim 8, Alexander teaches the method of claim 8 (see rejection above). Alexander further teaches a method for selecting colors to draw a dialog box having a visually differentiable boundary as recited in claim 8, wherein the reserved color is a color reserved by an operating system of a platform to only be used by one of the operating system and underlying software (see Alexander, column 4, lines 15 – 24; it is inherent that the dark grey color is used by the operating system only to display digitized waveform images).

As per claim 10, which is dependent on claim 8, Alexander teaches the method

of claim 8 (see rejection above). Alexander further teaches a method for selecting colors to draw a dialog box having a visually differentiable boundary as recited in claim 8, wherein selecting a cross-platform compatible color when drawing the dialog box background includes:

using a value of the selected background color to map the selected background to a previously assigned cross-platform compatible color when the value of the selected background color is equivalent to a reserved color value (see Alexander, column 4, lines 59 - 64; the examiner interprets the dark gray color as a reserved color value); and

using the value of the selected background color to map the selected background color value to a corresponding cross-platform compatible color when the value of the selected background color is equivalent to a cross-platform compatible color value (see Alexander, column 4, lines 37 – 50; it is taught that the light gray color is not replaced, therefore it is inherent that it is mapped to the corresponding color).

As per claim 11, which is dependent on claim 8, Alexander teaches the method of claim 8 (see rejection above). Alexander does not teach the method for selecting colors to draw a dialog box having a visually differentiable boundary as recited in claim 8, wherein the dialog box is one of a JAVA based dialog box, a C-based dialog box, and a C++-based dialog box. However, using Java based dialog boxes are notoriously well known in the art. For example, the applicant discloses the use of Java for interface development in the application background. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a Java based dialog

box with the method of Alexander in order to incorporate Java's broad user base and platform independent features.

As per claim 12, which is dependent on claim 8, it is of similar scope to claim 3 and is rejected under the same rationale as claim 3 (see rejection above).

As per claim 13, which is dependent on claim 8, Alexander teaches the method of claim 8 (see rejection above). Alexander further teaches a method for selecting colors to draw a dialog box having a visually differentiable boundary as recited in claim 8, wherein the colors selected to draw the dialog box boundary, dialog box background, and components contained within the dialog box are processed by a controller (see Alexander, column 3, lines 36 – 39).

As per claim 14, which is dependent on claim 13, Alexander teaches the method of claim 1 (see rejection above). Alexander further teaches a method for selecting colors to draw a dialog box having a visually differentiable boundary as recited in claim 13, wherein the controller is integrated in a graphics card (see Alexander, column 3, lines 36 – 39; the examiner interprets a video controller chip as a graphics card).

As per claim 16, which is dependent on claim 15, Alexander teaches the method of claim 15 (see rejection above). Alexander does not teach a method for generating dialog box graphical user interfaces (GUIs) that are presented over an underlying

background image as recited in claim 15, further comprising: if a background element of the dialog box is to be generated, the method includes, implementing a cross-platform compatible color for the generation. However, using cross-platform compatible colors is notoriously well known in the art. For example, the applicant discloses the use of cross-platform compatible colors in the application background. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement cross-platform compatible colors with the method of Alexander in order to gain consistency across different platforms.

As per claim 19, which is dependent on claim 18, it is of similar scope to claim 6 and is rejected under the same rationale as claim 6 (see rejection above).

As per claim 20, which is dependent on claim 15, Alexander teaches the method of claim 15 (see rejection above). Alexander does not teach a method for generating dialog box graphical user interfaces (GUIs) that are presented over an underlying background image as recited in claim 15, wherein the dialog box is one of a JAVA-based dialog box, a C-based dialog box, and a C++-based dialog box. However, using Java based dialog boxes are notoriously well known in the art. For example, the applicant discloses the use of Java for interface development in the application background. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a Java based dialog box with the method of Alexander in order to incorporate Java's broad user base and platform independent features.

### ***Response to Arguments***

Applicant's arguments filed 5/11/2004 have been fully considered but they are not persuasive.

Applicant argued that "Alexander does not disclose GUIs with boundaries or GUIs which boundaries are drawn using different colors than the background colors." The Examiner disagrees. Alexander teaches that "a rectangle of the particular programmed color is defined in the first memory, thereby defining a rectangular area for oscilloscope data" (see column 2, lines 29 – 32). As can be seen in figure 3A, this rectangle is displayed in the background of dialog box 300. Alexander further teaches

Pop-up dialog control boxes are implemented by writing in a color that is not the particular programmed color within in the rectangular area in the first memory reserved for oscilloscope data. In particular, a title bar, controls, some text areas, and borders are written in a color that is not the particular programmed color. As a result, within the display area for oscilloscope data, the video chip sends the title bar, controls, text and borders to the display rather than oscilloscope data. The dialog box control elements are visually opaque, obscuring oscilloscope data (column 2, lines 29 – 41).

It is clear from these passages that Alexander is teaching drawing borders, or boundaries, using different colors than the background colors.

Applicant also argues that "Alexander does not disclose using a reserved color, as defined in the claimed invention." The Examiner disagrees. Alexander clearly states

the usage of reserved colors in column 4, lines 4 – 6 (“In the example embodiment, controller 112 is programmed to switch when a specific very dark gray ... color is received”). In the interpretation of the Examiner, the dark gray color is a “specific” color reserved for the purpose of switching.

The Applicant further argues that Alexander does not “recognize reserved colors having been set aside by the operating system for use by the operating system only.” The Examiner disagrees. Alexander teaches a computer system that “includes an industry standard micro-processor running an industry standard operating system” (column 3, lines 10 – 11). Alexander further teaches a controller programmed by the operating system of the computer system (column 3, lines 39 – 40; It is inherent that the operating system of the computer system programs the controller) to switch a multiplexer “to a different input when a particular programmed color is received from DRAM” (column 3, lines 42 – 43). Therefore, every time this reserved color is programmed into the controller by the operating system, it is swapped with another color and not displayed on the screen. The Examiner interprets this behavior as reserving the color only for use by the operating system to signal switching to the background color.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umar Arshad whose telephone number is (703) 305-0329 before October 15<sup>th</sup>, and (571) 272-4060 after October 15<sup>th</sup>. The examiner can normally be reached on Monday - Friday, 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640 before October 15<sup>th</sup>, and (571) 272-4063 after October 15<sup>th</sup>. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UA

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